



CORPORATE HEADQUARTERS

PATENT DEPARTMENT

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FACSIMILE TRANSMISSION COVER SHEET

TO: Theodore J. Criares

COMPANY: U.S. Patent & Trademark Office

FACSIMILE NUMBER: 703.746.6897

FROM: Kathleen Lyles for Myra H. McCormack

TELEPHONE NO.: 732.524.6932

ROOM NO.:

DATE: June 16, 2003

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Re: Copy of response to Restriction Requirement for 09/922,658, Attorney Docket # ORT-1483 dated January 10, 2003.

THIS MESSAGE IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE SOLELY TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

Group II was elected

SERIAL NO. 091072-1058 DOCKET NO. Oct 1483 BY MM
 APPLICATION OF Grant et al. MAILED: 1/10/2003
 ENTITLED 2-RIPEZINAMINE COMPOSITIONS AND RELATED METHODS

THE FOLLOWING HAS BEEN RECEIVED IN THE U.S. PATENT OFFICE ON THE DATE STAMPED HEREON:

<input type="checkbox"/> AFFIDAVIT	<input type="checkbox"/> DECLARATION	<input checked="" type="checkbox"/> EXTENSION OF TIME	<u>1 month</u>
<input type="checkbox"/> AMENDMENT		<input type="checkbox"/> NOTICE OF APPEAL	
<input type="checkbox"/> ASSIGNMENT FOR RECORDING OATH OR		<input type="checkbox"/> DECLARATION	
<input type="checkbox"/> BRIEF		<input type="checkbox"/> POWER OF ATTORNEY	
<input checked="" type="checkbox"/> CHARGE TO DEPOSIT ACCOUNT 10-0750		<input type="checkbox"/> PRELIMINARY STATEMENT	
<input type="checkbox"/> DRAWINGS		<input type="checkbox"/> PRIORITY DOCUMENT	
<input type="checkbox"/> ISSUE FEE TRANSMITTAL		<input type="checkbox"/> STATUS INQUIRY	
<input type="checkbox"/> LETTER	<u>copy of PTO</u>	<input type="checkbox"/> SPECIFICATION	<u>PGS</u>
<input type="checkbox"/> PCT FILING	<u>by application</u>	<input type="checkbox"/> CLAIMS	
<input type="checkbox"/> IDS - FORM - 1449		<input checked="" type="checkbox"/> <u>Response to Restriction</u>	<u>Requirement</u>



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,658	08/06/2001	Elfrida R. Grant	ORT-1483	1403

27777 7590 11/12/2002

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EXAMINER

CRIARES, THEODORE J

ART UNIT

PAPER NUMBER

1617

DATE MAILED: 11/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Patricia R. Grant
Received
12/12/02
TO FILE REFER TO
NOV 8 2002
RECEIVED
ADMINISTRATION
UNIT

Office Action Summary

Application No.

09/922,658

Applicant(s)

GRANT ET AL.

Examiner

Theodore J. Criares

Art Unit

1617

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-45 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

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Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 29-43, drawn to a method for reducing ischemic death in a cell population; and
- II. Claims 1-28 and 44-45, drawn to a composition and a device to deliver said composition.

Further restriction may be required. Inventions of Group I and Group II are related as process (method) and apparatus (compositions) for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the compositions of Group II can be used to treat Alzheimer disease and schizophrenia.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theodore J. Criares whose telephone number is 308-4607. The examiner can normally be reached on 6:30 A.M. to 5:00P.M. Monday through Thursday.


elected 1-28+44-45

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan can be reached on 305-1877. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-6897 for regular communications and N/A for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1235.


Theodore J. Criares
Primary Examiner
Art Unit 1617

tjc
November 12, 2002